

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Steve Podkulski

v.

Civil No. 11-cv-102-JL

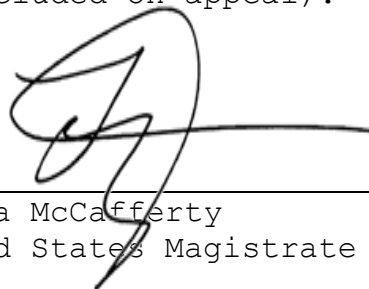
Jane Doe et al.

REPORT AND RECOMMENDATION

Before the court is defendant Officer Jason Barbera and Sgt. Todd Gordon's motion to dismiss (doc. no. 21), which asserts that the court should dismiss this action, without prejudice, because pro se plaintiff Steve Podkulski had failed to provide this court with an updated notice of address, as required by the local rules. Defendants assert that dismissal is also warranted because plaintiff's failure to update his address manifests an unwillingness to prosecute this case.

After defendants' motion to dismiss was filed, Podkulski provided this court with a notice of his current address (doc. no. 22) and filed an amended complaint (doc. no. 23). Accordingly, the motion to dismiss should be denied because plaintiff has complied with the local rule requiring him to update his address, and he is actively prosecuting this case.

Any objections to this Report and Recommendation must be filed within fourteen days of receipt of this notice. See Fed. R. Civ. P. 72(b)(2). Failure to file objections within the specified time waives the right to appeal the district court's order. See United States v. De Jesús-Viera, 655 F.3d 52, 57 (1st Cir.), cert. denied, 132 S. Ct. 1045 (2011); Sch. Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (only issues fairly raised by objections to magistrate judge's report are subject to review by district court; issues not preserved by such objection are precluded on appeal).

A handwritten signature in black ink, appearing to be 'Landya McCafferty', written over a horizontal line.

Landya McCafferty
United States Magistrate Judge

March 12, 2012

cc: Steve Podkulski, pro se
John A. Curran, Esq.

LBM:nmd